

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Regulated Industries Committee

BILL: SB 1566

INTRODUCER: Senator Joyner

SUBJECT: Barbering

DATE: March 17, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Rhea	RI	Favorable
2.			HE	
3.			GA	
4.				
5.				
6.				

I. Summary:

The bill provides for barbering internships through barbering schools and programs. It establishes the conditions and rights applicable to barbering schools or programs in the administering of barbering internships. The student's barbering school is responsible for the selection and placement of the intern, determining whether a student is eligible to become a barbering intern, and determining whether an internship sponsor meets the requirements for its educational objectives.

The bill provides a \$30 fee cap for internship sponsors. It does not provide a fee for barbering interns.

This bill substantially amends the following sections of the Florida Statutes: 476.034, 476.145, 476.188, 476.192, and 476.194.

II. Present Situation:

The Barbers' Board (board) within the Department of Business and Professional Regulation (department) is the agency charged with the regulation of barbering under ch. 476, F.S. According to the department, it estimates 2,794 licensed barbers for FY 2009-10.

Section 476.194, F.S., prohibits engaging in the practice of barbering without an active license as a barber issued by the department. Section 476.194(1)(c), F.S., also prohibits the hiring or employment of any person to engage in the practice of barbering unless such person holds a valid license as a barber. Chapter 476, F.S., does not provide for barbering internships for students of barbering schools or programs.

Section 476.034, F.S., defines the practice of “barbering” to mean:

any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments:
shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

Section 476.114, F.S., provides the requirements for a barber’s license. A person must apply to the department for licensure, and must meet the following requirements:

- Be at least 16 years of age; and
- Pay the required application fee (see below); and
- Hold a valid barbering license in another state for at least one year; or
- Received a minimum of 1,200 hours of training as established by the board.

The educational requirement may be satisfied at:

- A school of barbering licensed pursuant to chapter 1005;
- A barbering program within the public school system; or
- A government-operated barbering program in this state.

The board is required to establish procedures by rule for the barbering school or program to certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. This permits a barbering student to take the license examination before he or she has completed all of his or her educational requirements. A person may only take the examination once before the completion of their full educational requirements. Therefore, if a person takes the licensure examination before the completion of the 1,200 hours education requirement and fails the examination, they may not sit for the examination a second time until they have completed their 1,200 hours of education.

Section 476.192, F.S., sets forth the range for permissible fees that the board may establish:

- For barbers, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$100.
- For barbers, fees for endorsement application, examination, and reexamination shall not exceed \$150.
- For barbershops, fees for license application, original licensing, license renewal, and delinquent renewal shall not exceed \$150.
- For duplicate licenses and certificates, fees shall not exceed \$25.

The current fees are:

- For barbers, \$100 for original licensing,¹ license renewal,² and delinquent renewal;³
- For barbers, \$150 for endorsement application, examination, and reexamination;⁴
- For barbershops, \$75 for license application,⁵ \$50 for original licensing,⁶ \$150 for license renewal,⁷ and \$150 for delinquent renewal.⁸
- \$25 for duplicate licenses and certificates.⁹

III. Effect of Proposed Changes:

The bill authorizes barber students to perform barbering services in licensed salons under the supervision of a licensed barber.

The bill amends s. 476.034, F.S., to define the terms “barbering intern” and “internship sponsor.”

The bill defines the term “barbering intern” to mean a student enrolled in a 1,200-hour barbering program who participates in an optional work-experience internship. This definition also specifies that the internship is under the supervision of a licensed barber in a licensed barbershop.

The bill defines the term “internship sponsor” as a licensed barber who is registered with the board to supervise a barbering intern. The definition specifies that the internship sponsor must ensure that the intern is in compliance with the laws and rules of the state and the requirements of the board. It also specifies that the internship is administered through the school of barbering or barbering program.

The bill creates s. 476.145, F.S., to provide conditions for barber interns and internship supervisors. The bill establishes the conditions and rights applicable to barbering schools or programs. The student’s barbering school or program must:

- Determine the selection and placement of the intern;
- Determine whether a student is eligible to become a barbering intern and whether an internship sponsor meets the requirements for its educational objectives;
- On behalf of the student, provide written notice to the board that an internship sponsor has been selected and name the barbering intern to be supervised; and
- Determine the length and schedule of an individual barbering internship, but such internship shall not exceed 12 months.

¹ Rule 61G3-20.002, F.A.C.

² Rule 61G3-20.009, F.A.C.

³ Rule 61G3-20.002, F.A.C.

⁴ *Id.*

⁵ Rule 61G3-20.003, F.A.C.

⁶ Rule 61G3-20.0035, F.A.C.

⁷ Rule 61G3-20.009, F.A.C.

⁸ Rule 61G3-20.0105, F.A.C.

⁹ Rule 61G3-20.012, F.A.C.

The bill establishes requirements and conditions on internship sponsors. Each internship sponsor is required to:

- Obtain approval from a school of barbering or program;
- Register with the board before accepting placement of each barbering intern;
- Actively supervise the barbering intern in the practice of barbering pursuant to rules established by the board;
- Ensure that the barbering intern is complying with the laws and rules governing barbering and is complying with the educational objectives and guidelines established by the barbering school or program and the board; and
- Ensure that the public is clearly informed that the barbering intern is not a licensed barber by posting notice in a conspicuous manner within the salon indicating that a student intern is providing services on the premises.

The bill establishes the requirements and conditions on barbering interns. Each intern must only:

- Provide services expressly approved by the internship sponsor and contracted for by the internship sponsor;
- Only practice within the field of barbering in which he or she is engaged in the course of study; and
- Possess written documentation of his or her authorization to engage in the practice of barbering from the student's barbering school or program and furnish such documentation to the department prior to engaging in the practice of barbering and upon request by department personnel.

The bill requires the board to establish by rule:

- The education prerequisites for barbering internships, including the minimum number of hours of classroom instruction and required course work; and
- The number of permitted barbering internships per internship sponsor, the minimum and maximum number of internship hours, and the recommended educational objectives and guidelines for an internship program in a barbering school or program.

The board may also terminate the internship of any barbering intern and the sponsorship of any internship sponsor for a violation of the laws and rules governing barbering. The board must also provide notice of the termination to the internship sponsor, the barbering school or program, and the barbering intern. If a barbering internship is terminated, the school or program must determine the educational status of the barbering intern.

The bill provides that a barbering intern whose internship sponsor has been terminated, disciplined by the board, or voluntarily withdrawn from sponsorship shall remain eligible for new placement through the school or program.

The bill amends s. 4763.192, F.S., to provide that the fee for an internship sponsor may not exceed \$30. The bill does not provide a fee for barbering interns.

The bill amends s. 476.194, F.S., to provide that a person may not engage in the practice of barbering as a barbering intern without authorization. It also prohibits hiring a person to engage in barbering unless they are a licensed barber or an authorized barbering intern. The bill would permit barbering students to earn a wage while receiving their training.

The bill provides an effective date of July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Licensed barbers who wish to serve as internship sponsors would have to pay a registration fee of no more than \$30. This bill would permit barbering students to earn a wage while receiving their training.

C. Government Sector Impact:

For FY 2009-10, the department estimates revenue from the fee for registration as an internship sponsor of \$772,541, and expenditures for the administration of the provisions in this bill of \$115,585. This equals a net revenue of \$656,956 for FY 2009-10.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
